REMARKS

The Office Action mailed May 16, 2008, has been received and reviewed. Claims 1-36 are pending. Claim 22 is amended as set forth herein. Care has been exercised to introduce no new matter. Reconsideration of the rejection of all claims and allowance are earnestly solicited in view of the following remarks.

Rejections based on 35 U.S.C. § 103(a)

A.)   Applicable Authority

The basic requirements of a *prima facie* case of obviousness are summarized in MPEP §2143 through §2143.03. In order "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)". MPEP §2143. Further, in establishing a *prima facie* case of obviousness, the initial burden is placed on the Examiner. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 USPQ 972, 972, (Bd. Pat App. &

Inter. 1985)." *Id. See also* MPEP §706.02(j) and §2142. Recently, the Supreme Court elaborated, at pages 13-14 of *KSR*, it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application]." *KSR v. Teleflex,* 127 S. Ct. 1727 (2007).

B.)   Obviousness Rejection Based on U.S. Patent No. 6,112,015 ("Planas"); U.S. Patent No. 5,570,412 ("LeBlanc"); U.S. Patent No. 7,020,696 ("Perry"); and U.S. Patent No. 5,821,937 ("Tonelli").

Claims 1-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Planas, LeBlanc, Perry, and Tonelli. Applicants respectfully traverse this because the cited references, either alone or in combination, do not teach or suggest each of the limitations of claims 1, 11, and 22.

With respect to independent claim 1, Applicants respectfully submit that the cited references, including Planas, LeBlanc, Perry, and Tonelli, fail to teach or suggest, either alone or in combination, each of the limitations of independent claim 1. Independent claim 1 is directed to a method for maintaining and graphically displaying geographic information regarding the location of telecommunication cable and determining the relative geographic distance from telecommunication cable to user-selected modes. The method includes, among other things, receiving user input selecting at least one of the vendors who own installed telecommunication cable in the metropolitan area for displaying the vendor information associated with the installed telecommunication cable owned by the at least one of the vendors; receiving user input selecting

at least one of the nodes in the metropolitan area; and calculating the distance from each of the at least one user-selected nodes to the at least one user-selected telecommunication cable from the metropolitan area.

With respect to independent claim 11, Applicants respectfully submit that the cited references, including Planas, LeBlanc, Perry, and Tonelli, fail to teach or suggest, either alone or in combination, each of the limitations of independent claim 11. Claim 11 is directed to a method for storing, and graphically displaying information regarding a metropolitan area high bandwidth telecommunication network and calculating the relative geographic distance from user-selected nodes to high bandwidth telecommunication cable. The method includes, among other things, receiving user input selecting at least one vendor from the list of vendors who own installed high bandwidth telecommunication cable in the selected metropolitan area for displaying the vendor information associated with the installed telecommunication cable owned by the at least one of the vendors; receiving user input selecting at least one node of the types associated with installed high bandwidth telecommunication cable in the selected metropolitan area; and calculating the distance from each of the at least one user-selected nodes of the types associated with telecommunication cable from the metropolitan area to the at least one user-selected telecommunication cable from the metropolitan area.

With respect to independent claim 22, as amended herein, Applicants respectfully submit that the cited references, including Planas, LeBlanc, Perry, and Tonelli, fail to teach or suggest, either alone or in combination, each of the limitations of amended independent claim 22. Claim 22 is directed to a computer-readable medium containing computer-readable code embodied thereon for causing a computer to perform a method of calculating, maintaining, and displaying information regarding the geographical location of high bandwidth

telecommunication cable in relation to its associated nodes within a metropolitan area as a distance. The method includes, among other things, receiving user input selecting at least one vendor from the list of vendors who own installed high bandwidth telecommunication cable in the selected metropolitan area for displaying the vendor information associated with the installed telecommunication cabled owned by the at least one of the vendors; receiving user input selecting at least one node of the types associated with high bandwidth telecommunication cable in the selected area; determining a plurality of segments of the at least one user-selected telecommunication cable; calculating a distance from the at least one user-selected node to each of the plurality of segments of the at least one user-selected telecommunication cable; selecting a minimum distance from among the calculated distances for each of the at least one user-selected node; and displaying the minimum distance for each of the at least one user-selected node.

Planas, LeBlanc, Perry, and Tonelli, either alone or in combination, fail to teach or suggest calculating the distance from each of the at least one user-selected nodes to the at least one user-selected telecommunication cable from the metropolitan area, as recited in independent claims 1, 11, and 22. The Office Action refers to LeBlanc for discussing the calculation. *See* Office Action at page 6. La Blanc is directed to "updating a location databank used to determine the position of a mobile unit in a wireless communication system." *See* LeBlanc, col. 1, lines 7-10. "A location databank 100 is also provided which is operative to store real-time RF measurements for base stations 92, including their link budgets i.e., with the wireless communication link between the base station 92 and the mobile unit 96." *See id.* at 45-50. The system includes a prediction database to predict coverage and a measured RF database that has measurements obtained from the area around the base station. *See id.* at 30-45. Bollinger bands

are used to "represent a range in which data points are likely to reside." *See id.* at col. 24, lines

44-46. A location band, which is the intersection of the Bollinger band and confidence intervals,

is used to "generate (for the location databank) minimum and maximum distances for any valid

values of any of the parameters" in a arc-segment. *See id.*, col. 25, lines 3-13.

While LeBlanc mentions minimum and maximum distances, LeBlanc does not

teach or suggest *calculating the distance from each of the at least one user-selected nodes to the*

at least one user-selected telecommunication cable from the metropolitan area. Rather, LeBlanc

merely mentions minimum and maximum distances. Distances mentioned in LeBlanc refer to a

distance of a caller from a radio port. *See* LeBlanc at col. 22, lines 47- 50. Such a discussion of

distances does not teach or suggest calculating a distance from a user-selected node to a user-

selected telecommunication cable. There is no discussion in LeBlanc of calculating a distance

from a user-selected node to a user-selected telecommunication cable. Planas, Perry, and Tonelli

each fail to overcome the deficiencies of LeBlanc.

Further, independent claim 22 recites determining a plurality of segments of the at

least one user-selected telecommunication cable; calculating a distance from the at least one

user-selected node to each of the plurality of segments of the at least one user-selected

telecommunication cable; selecting a minimum distance from among the calculated distances for

each of the at least one user-selected node; and displaying the minimum distance for each of the

at least one user-selected node. None of the Planas, LeBlanc, Perry, and Tonelli references,

either alone or in combination, teach or suggest determining a plurality of segments of a vendor

cable, calculating the distance from a user-selected node to each of the segments of the vendor

cable, and selecting the minimum distance from the user-selected node to each of the segments

of the vendor cable.

While LeBlanc mentions minimum and maximum distances, LeBlanc does not teach or suggest determining a plurality of segments of a vendor cable, calculating the distance from a user-selected node to each of the segments of the vendor cable, and selecting the minimum distance from the user-selected node to each of the segments of the vendor cable. Rather, LeBlanc merely mentions minimum and maximum distances. Distances mentioned in LeBlanc refer to a distance of a caller from a radio port. *See* LeBlanc at col. 22, lines 47- 50. Such a discussion of distances does not teach or suggest determining a plurality of segments of a vendor cable, calculating the distance from a user-selected node to each of the segments of the vendor cable, and selecting the minimum distance from the user-selected node to each of the segments of the vendor cable. There is no discussion in LeBlanc of determining a plurality of segments of a vendor cable, calculating the distance from a user-selected node to each of the segments of the vendor cable, and selecting the minimum distance from the user-selected node to each of the segments of the vendor cable. Planas, Perry, and Tonelli also fail to overcome the deficiencies of LeBlanc.

Accordingly, Planas, LeBlanc, Perry, and Tonelli, individually and in combination, fail to teach or suggest all the limitations of independent claims 1, 11, and 22. Accordingly, for at least the reasons set forth above, the obviousness rejection of claims 1, 11, and 22 should be withdrawn.

Dependent claims 2-10, 12-21, and 23-36 further define novel features of the claimed embodiments and each depend either directly or indirectly, from one of the independent claims 1, 11, and 22. Accordingly, for at least the reasons set forth above with respect to independent claims 1, 11, and 22, dependent claims 2-10, 12-21, and 23-36 are believed to be in condition for allowance by virtue of their dependency. *See, In re Fine*, 5 USPQ2d 1596, 1600

(Fed. Cir. 1988); *see also*, MPEP § 2143.01. As such, withdrawal of the obviousness rejection of dependent claims 2-10, 12-21, and 23-36 is respectfully requested.

In addition, with respect to dependent claim 6, 20, and 25, Planas, LeBlanc, Perry, and Tonelli, either alone or in combination, fail to teach or suggest generating and/or displaying a different graphical representation of the geographical location of each of the telecommunication cables owned by selected vendors. In particular, claim 6 recites, among other things, generating a different graphical representation of the geographical location of each of the telecommunication cables owned by the at least two prioritized vendor selections of the user. Claim 20 recites, among other things, displaying a different graphical representation of the high bandwidth telecommunication cable owned by each selected vendor. Claim 25 recites, among other things, displaying different graphical representations of the high bandwidth telecommunication cable owned by each of the selected vendors.

Perry mentions that "a network service provider may have a high priority customer on a particular port and may want all errors and events (even minor ones) to be reported to the NMS and displayed to the network manager." *See* Perry at col. 101, lines 20-24. Although Perry mentions having a high priority customer, Perry fails to teach or suggest displaying different graphical generating and/or displaying a different graphical representation of the geographical location of each of the telecommunication cables owned by selected vendors. Rather Perry merely discusses the errors and events with respect to high priority customers. Perry, however, does not mention a different graphical representation of the geographical location of each of the telecommunication cables owned by the different vendors.

Further, Perry discusses "access[ing] the corresponding class files from the file system to learn how the data should be presented to a user, for example, how a graphical user

interface (GUI) should be displayed, what data and format to display, or perhaps which one of many GUIs should be used." *See* Perry at col. 69, lines 12-17. Perry merely discusses that there may be variations to a graphical user interface. Perry does not, however, teach or suggest a different graphical representation of the geographical location of each of the telecommunication cables owned by the different vendors. Planas and Tonelli each fail to overcome the deficiencies of LeBlanc.

Accordingly, Planas, LeBlanc, Perry, and Tonelli, individually and in combination, fail to teach or suggest all the limitations of dependent claims 6, 20, and 25. Accordingly, for at least the reasons set forth above, the obviousness rejection of claims 6, 20, and 25 should be withdrawn. Dependent claims 7, 21, 26-31 further define novel features of the claimed embodiments and each depend either directly or indirectly, from one of the dependent claims 6, 20, and 25. Accordingly, for at least the reasons set forth above with respect to dependent claims 7, 21, and 26-31 are believed to be in condition for allowance by virtue of their dependency.

In addition, with respect to claims 8 and 23, Planas, LeBlanc, Perry, and Tonelli, either alone or in combination, fail to teach or suggest distances calculated from each of the at least one user-selected nodes to the nearest of the at least one user-selected telecommunication cables. Planas recites that "as new network objects are added and pop up in the GNE's top level view, they need to be situated in an appropriate location relative to the existing network object icons." *See* Planas, col. 15, lines 52-55. While Planas mentions situating network objects in an appropriate location relative to existing network object icons, Planas does not teach or suggest *calculating distances* from each of the at least one user-selected nodes to the *nearest* of the at least one user-selected telecommunication cables. Rather, in Planas, the discussion merely

pertains to situating objects in an appropriate location. Planas and Tonelli each fail to overcome the deficiencies of LeBlanc.

Accordingly, Planas, LeBlanc, Perry, and Tonelli, individually and in combination, fail to teach or suggest all the limitations of dependent claims 8 and 23. Accordingly, for at least the reasons set forth above, the obviousness rejection of claims 8 and 23 should be withdrawn. Dependent claims 9-10 further define novel features of the claimed embodiments and each depend either directly or indirectly, from claim 8. Accordingly, for at least the reasons set forth above with respect to dependent claims 9-10 are believed to be in condition for allowance by virtue of their dependency.

Finally, with respect to claims 19 and 27, Planas, LeBlanc, Perry, and Tonelli, either alone or in combination, fail to teach or suggest displaying the electronic maps of the high bandwidth telecommunication cable owned by the selected vendors in ascending prominence corresponding to the ascending priority given each selected vendor. In particular, claim 19 recites, among other things, displaying the electronic maps of the high bandwidth telecommunication cable owned by the selected vendors in ascending prominence corresponding to the ascending priority given each selected vendor. Claim 27 recites, among other things, displaying the location of the high bandwidth telecommunication cable owned by the at least two vendors selected in a priority order in a prominence corresponding with the vendors priority, the highest priority vendor's cable being the most prominent and the lowest priority vendor's cable being the least prominent.

By contrast, Perry mentions that "a network service provider may have a high priority customer on a particular port and may want all errors and events (even minor ones) to be reported to the NMS and displayed to the network manager." *See* Perry at col. 12, lines 15-17.

Although Perry mentions having a high priority customer, Perry fails to teach or suggest displaying the electronic maps of the high bandwidth telecommunication cable owned by the selected vendors in ascending prominence corresponding to the ascending priority given each selected vendor. Rather Perry merely discusses the errors and events with respect to high priority customers. Perry, however, does not mention varying the prominence of the display in accordance with the priority given to each selected vendor.

Accordingly, Planas, LeBlanc, Perry, and Tonelli, individually and in combination, fail to teach or suggest all the limitations of dependent claims 19 and 27. Accordingly, for at least the reasons set forth above, the obviousness rejection of claims 19 and 27 should be withdrawn. Dependent claims 28-31 further define novel features of the claimed embodiments and each depend either directly or indirectly, from claim 27. Accordingly, for at least the reasons set forth above with respect to dependent claims 28-31 are believed to be in condition for allowance by virtue of their dependency.

CONCLUSION

For at least the reasons stated above, claims 1-36 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or kfeimster@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 21-0765.

Respectfully submitted,

/KELLY T. FEIMSTER/
_____
Kelly T. Feimster
Reg. No. 57,781

JEG/KTF/bp
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO   64108-2613
816-474-6550